

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, et al.
Plaintiffs,

vs.

TYSON FOODS, INC., et al.,
Defendants.

Case No. 4:05-CV-00329-TCK-SAJ

**RANDY ALLEN'S REPLY TO STATE OF OKLAHOMA'S RESPONSE IN
OPPOSITION TO RANDY ALLEN'S MOTION TO QUASH SUBPOENAS
FOR DEPOSITION AND DOCUMENT PRODUCTION**

Comes now Randy Allen, by and through his undersigned counsel, and respectfully submits this Reply to the State of Oklahoma's Response to Motion to Quash [DKT #954]. Mr. Allen's "Motion to Quash Subpoenas for Deposition and Document Production" [DKT #934] seeks relief from the subpoenas issued on September 27, 2006, which required production of documents on October 9, 2006, and attendance for deposition on October 18, 2006, because said Subpoenas: (i) are oppressive, overly broad, and unduly burdensome; and (ii) seek the discovery of irrelevant information not reasonably calculated to lead to the discovery of admissible evidence.

The whole of the matter is that Plaintiff is looking for a way to intimidate or oppress poultry growers, like Mr. Allen, who have expressed opinions about the wisdom or appropriateness of the pending action. Plaintiff knows that Mr. Allen is simply a poultry grower in the Eucha Watershed. Mr. Allen does not hold himself out as an expert -- only as a poultry grower but not one who operates in the Illinois River Watershed.

Although Plaintiff characterizes Poultry Community Council public service announcements in which Mr. Allen has appeared as “advertising,” whatever those publications may be, they are not “evidence” and they are not “expert opinions.”

Finally, no matter how Plaintiff spins the discovery requests, Plaintiff has no reason to believe that Mr. Allen possesses personal knowledge about either poultry growing operations in the Illinois River Watershed or the implementation of the *City of Tulsa* Settlement. All that Plaintiff knows is that Mr. Allen has publicly disagreed with Plaintiff’s decision to bring this action. If that is all that it takes to be subjected to discovery in this case, then every person who voices an opinion about this lawsuit in writing, on the radio or on television is fair game. Surely expressing a non-expert opinion is not enough of a nexus with this litigation to subject Mr. Allen to discovery.

For the reasons set forth in his motion to quash and above, Randy Allen requests that the Court quash the Subpoenas issued on September 27, 2006.

Respectfully submitted,

s/ D. Kenyon Williams, Jr.

Michael D. Graves, OBA #3539

D. Kenyon Williams, Jr., OBA #9643

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ATTORNEYS FOR RANDY ALLEN

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of October, 2006, a copy of the above and foregoing was mailed via facsimile to the following counsel of record:

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and that an electronic version of the same was sent this date to the following:

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